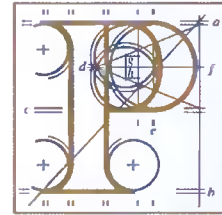


**Our Case Number:** ABP-312159-21

**Planning Authority Reference Number:** SD21B/0163



**An  
Bord  
Pleanála**

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24



**Date:** 14 December 2021

**Re:** Alterations and extensions to house together with associated site development works.  
38, Whitehall Road, Dublin 12

Dear Sir / Madam,

Enclosed is a copy of a further appeal under the Planning and Development Act, 2000, (as amended).

As you are aware, the planning authority's decision in the matter is already the subject of an appeal to the Board. Under section 129 of the Planning and Development Act, 2000, (as amended), as a party to the appeal you may make submissions or observations in relation to the enclosed appeal(s) in writing to the Board within 4 weeks beginning on the date of this letter.

**Please note that in accordance with section 251 of the Planning and Development Act, 2000, (as amended), the period beginning on 24th December and ending on 1st January, both dates inclusive, should be disregarded for the purposes of calculating the last date for lodgement of submissions or observations.**

Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the appeal without further notice to you. Please quote the above appeal reference number in any further correspondence.

Yours faithfully,

**Liam Halpin**

Direct Line: 01-8737280

BP06 - Xmas

Teil	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1,  
D01 V902

<b>AN BORD PLEANÁLA</b>	
LDG-	<u>04660421</u>
ABP-	_____
<b>13 DEC 2021</b>	
Fee: €	<u>220</u> Type: <u>cheque</u>
Time:	<u>9:45</u> By: <u>hand</u>

Lorna Larkin  
40 Whitehall Road  
Terenure  
Dublin 12

10<sup>th</sup> December 2021.

**Appeal of decision to grant planning permission Ref SD21B/0163**

Dear Sir/Madame

I wish to appeal the planning decision taken by South Dublin County Council ("SDCC") on 15/11/21 in respect of application SD21B/0163 for extension to property at 38 Whitehall Road, Terenure, Dublin 12.

I am the owner of the adjoining bungalow property 40 Whitehall Road. I made a submission during planning application phase as set out in the included document (dated 21/04/2021) and acknowledged by SDCC on 22/04/2021 included also.

I believe the grant of the planning permission is premature and my ground for appealing the decision are set out below :

(1) Impact of Daylight :

In the document PR/1487/21 – Record of Executive Business and Chief Executive's Order, under the first bulletin point under the Submissions/ Observations/Representation states my primary concern in objecting to this planning permission, which is "impact of light of the adjacent property".

However in this 13 page document there is no reference to any consideration of the affect to the light within my property nor any rationale for how the planning authority concluded below:

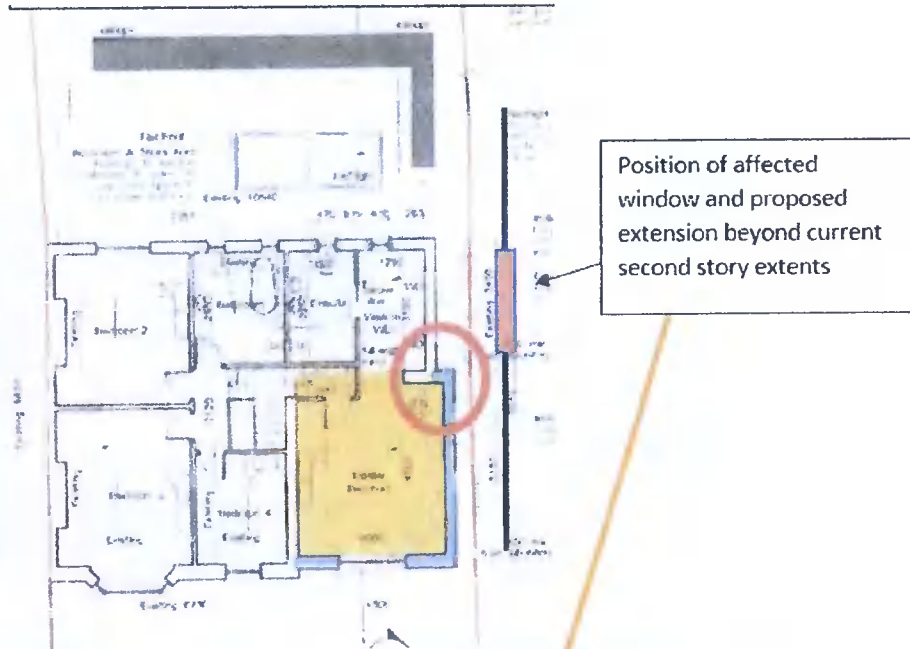
"The Planning Authority is satisfied that the proposed works will not have an adverse impact on the residential amenity of the adjacent properties."

There is a failure to address the concerns of the impact of the quality of light. There is no reference at all in the second schedule with its 10 points of conditions and reasons for granting permission where this impact is addressed, and reason given.

This proposed second story extension is less than 2 metres from my bedroom window which is the sole source of light in my bedroom, this extension will significantly dimmish the day light obtained. It is unclear from the document published if the planning authority fully understood it is a side window in the property looking directly onto the adjacent property (refer attachment 1). There has been no light survey assessment conducted to understand the full impact of this planning permission. It appears there has been a lack of due diligence to assess the impact on my bungalow. In my first objection submitted ( 21/04/2021) I invited that I would welcome planning authority to "carry out an inspection of the impacted rooms". This invite was never acknowledged or utilised by DSCC. It is unclear how any conclusion on impact my adjacent bungalow was achieved without any site

inspection or light assessment on my bungalow occurring, and I do not feel the any of impacts were taken into consideration when planning permission was granted. Also, I am concerned that the fact the proposed extension extends beyond the current second story boundary wall, that it will cast this wall in shadow and prevent it from reflecting into my bedroom the little daylight it currently does.

Therefore, I believe the process used to make this determination is flawed and has led to the decision being made prematurely without the full impact or adequate surveys of this development being comprehended. On this ground I would request to An Bord Pleanála to overturn this planning decision as the planning authority did not have sufficient information to make an informed decision as a daylight assessment was never conducted.



## (2) Privacy

In the updates provided by the applicants' new additional details of the plans have been submitted, which further raises my concerns of the impact of the new second story extension and the potential infringement on my privacy. The new second story extension comes out further than the existing second story extension, which is under 2 metres from my bungalow and finishes within 45cm of the boundary wall, which will result in the guttering and eaves being on the boundary line. This has the potential to lead to the excess rainwater waste from the guttering and eaves falling into my property and outside my sole bedroom window. Maintenance of the guttering and eaves will also require regular ongoing encroachment onto my property, which is an invasion of my privacy and space. This is a significant concern which needs to be taken into consideration, this does not appear to have been considered or addressed when granting permission. Therefore, as my privacy is potentially going to be encroached, I would request An Bord Pleanála to overturn the planning permission. However, if the planning permission is granted then I would request that the new second story extension is both reduced in size and brought back in line with the extents of the existing second story extension and redesigned that there is requirement for no eaves or guttering on this side of the extension –and no potential to encroach on to my privacy.

## (3) SDCC

Please note, I was only aware of the decision to grant this planning permission on the 9<sup>th</sup> December 2021, as although the letter was dated 18<sup>th</sup> November 2021 it was not posted until the 8<sup>th</sup> December 2021 (refer to attachment 3), and permission was apparently made on the 15<sup>th</sup> November 2021. This is in addition, to the original two week delay of SDCC uploading the first documents planning encountered. This delay in notification of the decision, has impacted my opportunity to seek any professional/technical help in reviewing the decision documents issued and the updated plans submitted. This lack of timely communication from SDCC and its impact of eliminating any adequate time to the reviewing the plans is devastating. This bungalow is my primary and sole residence which is impacted by the granting of this planning decision, and I appeal to An Bord Pleanála that my concerns relating to the objections of the planning are considered and addressed.

I ask An Bord Pleanála to overturn the planning permission granted by SDCC or at the very least to:

- To perform a site visit to my bungalow to assess the impacts on this planning permission; and
- To require a Light Impact Assessment to my bungalow;
- To require an assessment of the planned guttering and eaves and the impact on my privacy.

And if after these considerations if the planning permission is granted to :

- To reduce the size of second store extension and redesign to have no eaves or guttering to ensure my privacy is maintained.

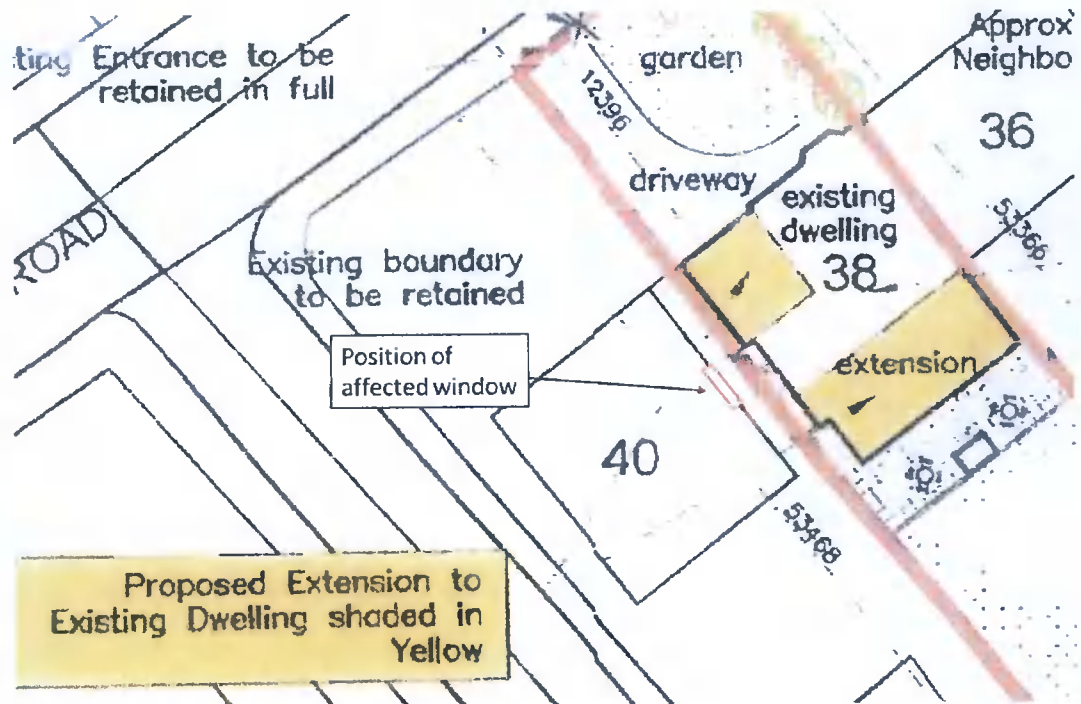
Note -A cheque for the fee amount of €220 is included.

Yours faithfully,



Lorna Larkin

Attachment 1: Location of sole Bedroom window



Attachment 2: Reference Pictures







Attachment 3 – Post mark of letter received from SDCC – 8<sup>th</sup> December 2021



Attachment 3 - Post mark letter received.



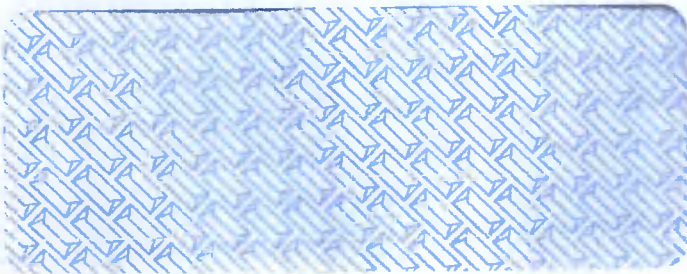
**An Rannóg Talamhúsáide. Pleanála agus Iompair  
Land Use, Planning & Transportation Department**

**Telephone: 01 4149000 Fax: 01 4149104 Email: [planning.dept@sdublincoco.ie](mailto:planning.dept@sdublincoco.ie)**

Ms. Lorna Larkin  
40 Whitehall Road,  
Terenure,  
Dublin 12.

Date: 18-Nov-2021

Dear Sir/Madam,



It should be noted that any person who made a submission within 5 weeks of the date of receipt of the application by the Planning Authority and which was accompanied by the appropriate fee of €20.00 may appeal to An Bord Pleanála against the decision or any conditions attached to the Council's decision within 4 weeks beginning on (and including) the date of the Council's decision. Interested parties are advised to consult An Bord Pleanála to ascertain if an appeal has been lodged by the applicant.



Attachment 4 – Original Objection filed & receipt of original objection – included



Land Use, Planning & Transportation Department  
Telephone: 01 414 9000 Fax: 01 414 9104

An Rannóg Talambúsáide, Pleanála agus Iompair  
Email: [planningsubmissions@sdublincoco.ie](mailto:planningsubmissions@sdublincoco.ie)

Ms. Lorna Larkin  
40 Whitehall Road,  
Terenure,  
Dublin 12.

Date: 22-Apr-2021

Dear Ms. Larkin,

**Register Ref:** SD21B/0163  
**Development:** Erection of alterations and extensions to an existing dwelling house consisting of a single storey extension to the rear and a two storey extension (over existing garage to side) together with associated and auxiliary accommodation and site works.  
**Location:** 38, Whitehall Road, Dublin 12  
**Applicant:** Jeff & Cathy Murphy  
**Application Type:** Permission  
**Date Rec'd:** 24-Mar-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 (as amended). The contents of your submission will be brought to the attention of the Planning

Attachment 4 → Original objection & receipt acknowledged.

40 Whitehall Road,

Terenure,

Dublin 12

21<sup>st</sup> April 2021

Senior Planner,  
South County Council,  
County Hall,  
Tallaght,  
Dublin 24  
D24YNN5

Re: Planning Application SD21B/0163 – 38 Whitehall Road, Terenure, Dublin 12.

Dear Sirs,

I refer to the planning application SD21B/0163, which seeks the erection of two story extension to the front and side of 38/40 Whitehall road and a single story extension to rear/side of 38/40 Whitehall road. I have viewed these plans for these proposed additions, and I wish to strenuous object to these plans.

Firstly, on reviewing the proposed plans submitted to your office, I want to refute an assertion made in the application by the architect Justin Whitty in his letter to your office dated the 22<sup>nd</sup> March 2021. The letter states:

“For guidance a similar planning permission was granted under planning register S01B/0576”.

This is a wholly inaccurate statement, as per your website planning permission for this type of extensions was never granted. Refer to appendix one extract from your website, providing evidence of the inaccuracy of this statement.

I wish to object to these plans on the grounds of the impact on the bungalow at 40 Whitehall Road. The impacts are :

The visional damage and obstruction to light for two Bedrooms living areas.

Firstly, the main bedroom, as limited light sources due to the existing extension which was previously erected which resulted in this room having minimal light source. The proposed two-storey extension and the single storey extension at the rear will result in these remaining light sources being eradicated and plunging this room into a 24/7 state of darkness. This is highly distressing that this room will now be forced into a permanent state of darkness as both remaining light sources will be negatively impacted. Please refer to appendix two which show photos from existing room and how these proposed additions will be positioned.

In addition, the second bedroom of the bungalow, which is built in the attic, will have the view and light source impacted by the proposed two storey extension, it again will hugely impact the view and light source received into the bedroom. Refer to appendix three which has photo from this bedroom and will show where extension will be.

These proposed plans will impacted the quality and living conditions of both my bedrooms and I find it highly objectionable to have such a detrimental impact on my home and main living areas, especially in these Covid times, when the home has become the 24 hour living and working space. Furthermore, it will have the resulting impact of devaluing my home, my sole asset.

I welcome you to carry out an inspection of the impacted rooms for yourself prior to making decision on this application to see the potential detrimental effect yourself.

Per the submission, Mr Justin Whitty in his letter on the 22<sup>nd</sup> March 2021, states the rational for proposing these extensions is "to provide their family with an improved living accommodation", this can only be achieved at the expense of substantially diminishing my own living accommodation. Therefore, I request you decline this planning application on these grounds outlined within this letter.

Yours faithfully,

Lorna Larkin

Appendix 1: Extract [www.sdublincoco.ie](http://www.sdublincoco.ie)

Appendix 2: Photos Bedroom 1

Appendix 3: Photo Bedroom 2

Appendix 4: Receipt Payment objection fee.

Submitted Via Email & Post 21<sup>st</sup> April 2021

Appendix 1: Application S01B/0576 Status

<p>Not secure www.sdublincoco.ie</p> <p>Planning</p>																			
<h3>View Application S01B/0576</h3>																			
<ul style="list-style-type: none"> <li>Development Plan</li> <li>COVID-19 Arrangements</li> <li>Planning Applications</li> <li>Make a Planning Application</li> <li>Exempted Development</li> <li>Observations - Submissions - Objections</li> <li>Pre Planning Guidance and Consultation</li> <li>Same Day Validation</li> <li>Fees and Advertising</li> <li>Post Decisions</li> <li>Search and View</li> <li>Development Contributions</li> <li>Environmental Impact Statement</li> <li>Water and Drainage Considerations</li> </ul>	<p><b>Back to Search</b></p> <table border="1"> <tr> <td>Date Received:</td> <td>08/11/2001</td> </tr> <tr> <td>Last Action:</td> <td>08/11/2001</td> </tr> <tr> <td>Application Type:</td> <td>Permission</td> </tr> <tr> <td>Submission Type:</td> <td></td> </tr> <tr> <td>Closing Date for Submissions:</td> <td>N/A</td> </tr> <tr> <td>Applicant:</td> <td>V. Angelov</td> </tr> <tr> <td>Location:</td> <td>38 Whitehall Road, Terenure, Dublin 12</td> </tr> <tr> <td>Proposed Development:</td> <td>Second storey extension at side</td> </tr> <tr> <td>Decision Due:</td> <td>03/01/2002</td> </tr> </table>	Date Received:	08/11/2001	Last Action:	08/11/2001	Application Type:	Permission	Submission Type:		Closing Date for Submissions:	N/A	Applicant:	V. Angelov	Location:	38 Whitehall Road, Terenure, Dublin 12	Proposed Development:	Second storey extension at side	Decision Due:	03/01/2002
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	Proposed Development:	Second storey extension at side																	
	Decision Due:	03/01/2002																	
	<p><b>Decision Details</b></p> <table border="1"> <tr> <td>Decision Date:</td> <td>18/12/2001</td> </tr> <tr> <td>Decision:</td> <td>REQUEST ADDITIONAL INFORMATION</td> </tr> <tr> <td>Final Grant Date:</td> <td>N/A</td> </tr> </table>		Decision Date:	18/12/2001	Decision:	REQUEST ADDITIONAL INFORMATION	Final Grant Date:	N/A											
	Decision Date:	18/12/2001																	
Decision:	REQUEST ADDITIONAL INFORMATION																		
Final Grant Date:	N/A																		

[View Application S01B/0576 | South Dublin County Council \(sdublincoco.ie\)](#)

Land Use, Planning & Transportation Department  
Telephone: 01 414 9000 Fax: 01 414 9104

An Rannóg Talamhúsáide, Pleanála agus Iompair  
Email: [planningsubmissions@sdblincoco.ie](mailto:planningsubmissions@sdblincoco.ie)

Ms. Lorna Larkin  
40 Whitehall Road,  
Terenure,  
Dublin 12.

Date: 22-Apr-2021

Dear Ms. Larkin,

**Register Ref:** SD21B/0163  
**Development:** Erection of alterations and extensions to an existing dwelling house consisting of a single storey extension to the rear and a two storey extension (over existing garage to side) together with associated and auxiliary accommodation and site works.  
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**Applicant:** Jeff & Cathy Murphy  
**Application Type:** Permission  
**Date Rec'd:** 24-Mar-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, [www.sdblincoco.ie](http://www.sdblincoco.ie).

You may wish to avail of the Planning Departments email notification system on our website. When in the *Planning Applications* part of the Council website, [www.sdblincoco.ie](http://www.sdblincoco.ie), and when viewing an application on which a decision has not been made, you can input your email address into the box named "Notify me of changes" and click on "Subscribe". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

**Please note:** If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full content of a planning application.

Yours faithfully,

Mary Crowley  
for Senior Planner

17512 of 13

PS 13 & 12

AN BORD PLEANALA  
 13 DEC 2021  
 LTR DATED FROM  
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